REMARKS

Claims 1-42 were pending in the present application. Claims 12-15, 26, 27, and 39-42 have been cancelled. Claims 1, 2, 3, 10, 16-18, 24, 28-30, and 37 have been amended. Accordingly, claims 1-11, 16-25, and 28-38 are now pending in the application.

Claims 1, 12, 16, 26, 28, and 39 stand rejected under 35 U.S.C. §102(b) as being anticipated by "The Sun Fireplane System Interconnect" by Alan Charlesworth (hereinafter "Alan"). Applicant has amended the claims and believes the rejection to now be moot.

Claims 2-4, 17-19, and 39-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alan in view of McCracken (U.S. Patent No. 6,381,681). Applicant respectfully traverses at least portions of this rejection.

Claims 5-9, 20-23, and 32-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alan in view of McCracken, and in further view of Hagersten (U.S. Patent Application Publication No. 2001/0051977). Applicant respectfully traverses this rejection.

Claims 10, 24, and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alan in view of McCracken, Hagersten, and in further view of Josan et al. (U.S. Patent No. 6,857,082) and Nishtala et al. (U.S. Patent No. 5,581,729). Applicant respectfully traverses at least portions of this rejection.

Claims 11, 25, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alan in view of Baxter et al. (U.S. Patent No. 5,887,146), and in further view of Martin et al. ("Bandwidth Adaptive Snooping") (hereinafter "Martin"). Applicant respectfully traverses this rejection.

Claims 13, 27, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alan. Applicant respectfully traverses this rejection.

Claims 14, 15, 41, and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alan in view of Hagersten. Applicant respectfully traverses this rejection.

Applicant's amended claim 1 recites a system comprising in pertinent part

> wherein if the active device sends the RWB address packet and another active device included in the node ***requests and gains*** **ownership** of the coherency unit **before an interface included in the node sends a responsive address packet in response to a coherency request by a home node**, the another active device is configured to provide data to the interface in response to the responsive address packet.

In regard to the Examiner's rejection of claim 10, the Examiner acknowledges (*See* page 13 of the Office action of July 23, 2008) "they [Alan, McCracken] do not specifically describe the situation of if the active device sends the RWB address packet and another active device included in the node gains ownership" "before an interface included in the node sends a responsive address packet[.]" However the Examiner asserts the limitation is taught by Josan (*See* page 13 of the Office action of July 23, 2008) because "Josan describes that failover enables the resources owned by the failed node to be taken over by the surviving node." From this statement, the Examiner asserts "[t]herefore if one of the active devices in the node were to fail another active device included in the node would gain ownership of the coherency unit (resource)."

Applicant disagrees with the Examiner's supposition that a) active devices in a node would act the same as a "node" during failover, and b) that another active device would somehow gain ownership of a coherency unit if the owning device were to fail. This is simply unfounded speculation. However, to clarify the claim language, Applicant

has amended the claim to include the phrase "request and" gain ownership, to preclude any confusion that somehow an active device just assumes ownership because another device fails. Furthermore, with the exception of Josan, none of the cited references, nor Applicant's invention are directed to failing devices or nodes. To the contrary, the claims are directed toward coherency of memory resources, particularly when there are multiple devices and nodes that have access to common memory resources. Accordingly, Applicant submits that one skilled in the art would have no reason to apply teachings based upon failover mechanisms.

From the above discussion Applicant submits none of the cited references teach or suggest "wherein if the active device sends the RWB address packet and another active device included in the node ***requests and gains*** **ownership** of the coherency unit **before an interface included in the node sends a responsive address packet in response to a coherency request by a home node**, the other active device is configured to provide data to the interface in response to the responsive address packet" as recited in Applicant's claim 1. Applicant submits none of the cited references teach or suggest the combination of references recited in Applicant's claim 1. Thus, the Examiner has not established a *prima facie* case of obviousness.

Accordingly, Applicant submits claim 1 along with its dependent claims patentably distinguishes over the cited art for the reasons given above.

Applicant's independent claims 16 and 28 recite features that are similar to the features recited in claim 1. Thus, for at least the reasons given above, Applicant submits, claims 16 and 28, along with their respective dependent claims patentably distinguish over the cited art.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-13301/SJC.

Respectfully submitted,

/ Stephen J. Curran /
Stephen J. Curran
Reg. No. 50,664
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: October 23, 2008